

### REMARKS

Claim 12 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,587,072 (Gresham). Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 4,743,910 (Hill). Claims 14, 15, 21 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 5,418,536 (Lisle). Claims 16 and 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham in view of Lisle as applied to claim 13 above, and further in view of U.S. Patent No. 6,507,730 (Caspers). Claim 18 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 5,014,340 (Wren) and U.S. Patent Publication No. 2002/0122500 (Takeuchi). Claim 20 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 7,065,125 (Miller). Claims 19, 22 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 7,015,805 (Knoop). Claim 22 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 6,338,011 (Furst).

Claim 21 has been amended to correct informalities.

Reconsideration of the application based on the following is respectfully requested.

### Certified Priority Documents

Applicants note that Examiner has acknowledged receipt of “some” certified copies of the priority documents. Applicants note that there is only one priority document (DE 102 56 620.8, filed December 3, 2002) and respectfully requests clarification if the certified copy of this priority document was not received.

### Rejections under 35 U.S.C. §102(b) based on Gresham

Claim 12 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,587,072 (Gresham).

Gresham “relates to a short-range pulse-compression radar system particularly suitable for fabrication as an integrated circuit” (see, e.g. Gresham, col. 1, lines 5 to 7).

Claim 12 recites: “A radar system, comprising:

at least one radar device having a sensor and a transmitter configured to transmit data, wherein the sensor and the transmitter are simultaneously operable for a communication.”

It is respectfully submitted that Gresham does not teach or disclose “at least one radar device having a sensor and a transmitter configured to transmit data, wherein the sensor and the transmitter are simultaneously operable for a communication” as claimed in the claim 12 of the present invention. Rather, Gresham utilizes a Tx/Rx select switch 18 to switch between either a transmit process or a receive mode. “As seen in FIG. 1 [of Gresham], the output of the bi-phase modulator is directed to an input of a Tx/Rx select switch 18 which is shown in the transmit position (closed).” Gresham, col. 8, lines 14 to 16. “During the transmit process, the switch 18 is connected to the output amplifiers 25 and 26, while during the receive mode, the switch (dashed) connects the output of the phase modulator 16 to the receive path.” Gresham, col. 8, lines 37 to 41. As Gresham utilizes a transmit/receive select switch to switch between either a transmit process or a receive mode, Gresham clearly does not teach or disclose “wherein the sensor and the transmitter are simultaneously operable for a communication” as claimed in claim 12 of the present invention.

Withdrawal of the rejections under 35 U.S.C. §102(b) therefore is respectfully requested.

Rejections under 35 U.S.C. §103(a) to claims 13 to 20, 22 and 23

As Hill, Lisle, Caspers, Wren, Takeuchi, Miller, Knoop and Furst are relied upon for their alleged disclosure of the additional features recited in dependent claims 13 to 20, 22 and 23, they cannot cure the deficiencies in Gresham discussed above with respect to claim 12, from which they depend.

Withdrawal of the rejections to claims 13 to 20, 22 and 23 under 35 U.S.C. §103(a) therefore is respectfully requested.

Rejections under 35 U.S.C. §103(a) to independent claims 21 and 24

Claims 21 and 24 were rejected under 35 U.S. §103(a) as allegedly being unpatentable over Gresham as applied to claim 12 above, and further in view of U.S. Patent No. 5,418,536 (Lisle).

Lisle “relates to frequency discriminators, in general, and more particularly to a frequency discriminator for generating an output signal characteristically representative of a predetermined frequency spectrum of an input signal” (see, e.g. Lisle, col. 1, lines 11 to 15).

Claim 21 has been amended to correct informalities and recites “an element configured to simultaneously emit a broadband signal for sensing and a communications data signal”.

Claim 24 recites “sensing and transmitting data simultaneously using the at least one radar device”.

Gresham is relied upon as allegedly showing “an element configured to simultaneously emit a broadband signal for sensing and a communications data signal” as claimed in claim 21 and “sensing and transmitting data simultaneously using the at least one radar device” as claimed in claim 24, and the Examiner looks to Lisle for its alleged disclosure of the additional features recited in claims 21 and 24, respectively, namely “wherein the broadband has a transmission/reception spectrum with a peripheral region, and the communications data signal is in a peripheral region of a of the broadband signal” and “wherein the transmitting of data is performed using a frequency range in a peripheral region of a transmission/reception spectrum of the sensing signal”. See, e.g. Office Action, pp. 3 to 4. However, as discussed above with respect to claim 12, Gresham does not teach or disclose “wherein the sensor and the transmitter are simultaneously operable for a communication”. Thus, for the same reasons as discussed above with respect to claim 12, Gresham does not teach or disclose “an element configured to simultaneously emit a broadband signal for sensing and a communications data signal” as recited in claim 21 nor “sensing and transmitting data simultaneously using the at least one radar device” as recited in claim 24. Lisle also does not teach or show these features nor is such asserted in the Office Action.

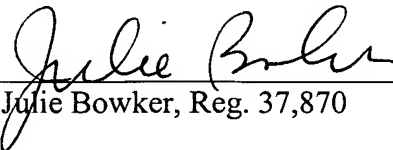
Withdrawal of the rejections to claims 21 and 24 under 35 U.S.C. §103(a) therefore is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Julie Bowker, Reg. 37,870

DAVIDSON, DAVIDSON & KAPPEL, LLC  
Patents, Trademarks and Copyrights  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940